

Fair Housing Testing Testing Outcomes: Disability Cases

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Everyone deserves fair housing. It is easy enough to assert, however ensuring equal access to housing can be difficult. This is in part due to tactics used by some to turn away potential renters and homebuyers. These subtleties lend to the belief that the once blatant “slammed door” has given way to a “revolving door,” wherein courteous handshakes and polite smiles mask differential treatment.

Testing plays a vital role in enforcing fair housing laws. Many believe that testing is the single most important investigative tool used to document illegal housing discrimination. In testing for housing discrimination, enforcement agencies and fair housing advocates have the ability to enforce fair housing laws by identifying and filing complaints against those who deny individuals’ access to housing opportunities based federal, state, and local fair housing laws.

As of late, the Fair Housing Center of Washington (Fair Housing Center) has received a large number of complaints based on disability, particularly with requests for reasonable accommodations. Such requests are based on the need of an individual to have the use and enjoyment of their dwelling equally as a non-disabled tenant. Testing for disability discrimination has repeatedly resulted in complaints filed by the agency on behalf of individuals.

Advocacy and testing done this year has resulted in the following findings by the Fair Housing Center:

- ✓ The Fair Housing Center has received a total of 500 intake calls year to date, a total of 234 intakes called FHC regarding disability issues, and 51 intakes have resulted in reasonable accommodation requests
- ✓ FHC has seen a 4% increase of disability related intakes and cases in 2009
- ✓ 20 discrimination complaints have been filed with HUD during the FHC current grant cycle. Of these 20 complaints filed 17 are disability related, resulting in 85% of complaints being disability related
- ✓ For the fiscal year 2009, 56% of matched pair or single audit disability testing completed, including audits and complaint based tests, were positive for discrimination

Recently the Fair Housing Center has settled three disabilities related testing complaints. All three complaints were settled using testing evidence. The Fair Housing Center conducted three disability based tests at all three sites. These

sites were located in Everett, Olympia, and Vancouver, WA. The testing indicated difference in treatment during all three complaints as outlined below:

Site One

Testing conducted at a property in Everett, WA indicated differences in treatment due to disability. The tester was informed that there were no housing units available for persons with diabetes who use insulin or for persons who use motorized wheelchairs.

Site Two

Testing conducted at a property in Olympia, WA indicated differential treatment due to disability and the presence of a service animal. Although the agent acknowledged that the property would have to allow the service animal, she denied a reasonable accommodation request to waive the pet deposit for the service animal.

Site Three

Testing conducted at a property in Vancouver, WA indicated an unwillingness to consider a request for reasonable accommodation relating to a need for an assigned parking place for a person with a disability. The agent repeatedly indicated to the protected tester that the complex does not assign parking spaces; however, the agent did inform the control tester that assigned parking is available for \$35/month.

The Fair Housing Center filed complaints in all three cases stemming from the testing evidence detailed above, which indicated discrimination based on disability. These cases were settled between April, 2009 and June, 2009, and resulted in monetary compensation which totaled \$5,700.00, as well as mandatory fair housing training attendance by the Respondents, and a requirement that the Respondents develop an appropriate written policy on reasonable accommodations as it pertains to electric wheelchairs and self-induced insulin users, reserved parking spaces, and service animals, respectively. Testing evidence was instrumental to these cases.

In closing, it is important to consider the implications regarding the amount of housing discrimination occurring for which there is a lack of complaint and investigation. As noted above, discrimination based on disability has risen at an alarming rate. The importance of testing is apparent based on a number of factors which result in discriminatory practices that ultimately thwart efforts to assure equal access to housing for all.